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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,336	10/09/2003	Saied Hussaini	8312.140	3387

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LINIAK, BERENATO & WHITE  
Suite 240  
6550 Rock Spring Drive  
Bethesda, MD 20817

EXAMINER
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STULTZ, JESSICA T

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. .

10/681,336

Applicant(s)

HUSSAINI ET AL.

Examiner

Jessica T. Stultz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1 and 4-15 is/are allowed.  
6) ☒ Claim(s) 17-20 is/are rejected.  
7) ☒ Claim(s) 3 and 16 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Examiner's Comments***

For applicant's information, the amendments to the specification filed March 21, 2005 overcome the previous objections to the specification.

### ***Claim Objections***

Claims 3, 16, and 17 are objected to because of the following informalities: in claim 3, "according to claim 2" should be "according to claim 1" since claim 2 has been cancelled; in claim 16, "according to claim 17 14," should be changed to "according to claim ~~17~~ 14,"; in claim 17, "to stored position" should be "to a stored position" and "surface of base" should be "surface of the base".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang.

Regarding claim 17, Wang discloses a magnifier device for use with an electronic display device (Abstract), the magnifier comprising: a substantially rectangular planar base member (Column 3, lines 6-40, wherein the magnifier has a rectangular base member "30", Figure 3); a substantially rectangular planar magnifier portion (Column 3, lines 6-40, wherein the magnifier has a rectangular magnifier portion "32", Figure 3); and a pair of spaced apart linking arms each

disposed between and rotatable connected to the base member and the magnifier portion thereby permitting compound movement between the base member and the magnifier (Column 3, lines 6-40, wherein the magnifier portion “32” is rotatable by arms “311” and “312”, Figure 3) so that the magnifier may be pivoted to a stored position whereby the magnifier is located flush against a back surface of the base member (Shown in Figures 2A-B, wherein the magnifier “22” rotates from a stored position flush to base “20”).

That part of the claim stating, “with a portable video device”, goes to the intended use of the magnifier device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Furthermore, this phrase is set forth in the preamble and has not been given patentable weight.

Regarding claim 18, Wang further discloses that the magnifier portion is rotatable between a first position disposed on a first side of the base member and parallel thereto (Shown in Figure 2A), to a second position substantially orthogonal to the base member (Column 3, lines 6-40, wherein the magnifier is pivoted with respect to the base member from a parallel position to a closed position on the opposite side of the base and would therefore be pivotable to an orthogonal position) and to a third position disposed on a second opposite side of the base member and parallel thereto (Shown in Figure 2B).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Iaquinto et al.

Regarding claim 19, Wang discloses a magnifier device as shown above, but does not specifically disclose that the base member includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween. Iaquinto et al teaches of a magnifier device for a video display (Column 4, line 66-Column 5, line 55, wherein the magnifier is lens "24", Figure 1) including a base member with opposed side rails to engage opposing side of the portable video device (Column 5, line 56-Column 6, line 8, wherein the legs "30" and "32" have ridges "38" and "42", Figures 4 and 6), the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween (Column 5, line 56-Column 6, line 8, wherein the ridges "38" and "42" snap into the groove "18" of the video display, Figure 1) for the purpose of retaining the support in a generally upright, perpendicular position from the plane of video device and so that the support is easily releasable from the device to be stored in a compact position (Column 5, line 56-Column 6, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Wang to further include a base member which includes opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween since Iaquinto et al teaches of a magnifier

device for a video display including a base member with opposed side rails to engage opposing side of the portable video device, the side rails each include a detent to engage a recess formed in opposing side of the video device to facilitate a snap fit connection therebetween for the purpose of retaining the support in a generally upright, perpendicular position from the plane of video device and so that the support is easily releasable from the device to be stored in a compact position.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang view of Iaguinto et al and further in view of Tortola et al.

Regarding claim 20, Wang and Iaguinto et al disclose and teach of a magnifier device as shown above, but do not specifically disclose a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier. Tortola et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier (Column 6, lines 6-58, wherein the cover "20" is connected to magnifying lens "28", Figures 1 and 15), wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier (Column 6, lines 6-58, wherein the cover "20" is rotatable from a non-use stored position and an in-use position, Figures 1, 6-8, and 15) for the purpose of providing protection for the magnifier lens when the device is in a compact stored position (Column 3, line 60-Column 4, line 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the magnifier device of Wang and Iaguinto et al to further include cover member rotatably connected to the magnifier, wherein the cover member is

rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier since Tortola et al teaches of a magnifier device for a video display wherein a cover member rotatably connected to the magnifier, wherein the cover member is rotatable between a first position exposing the magnifier to a permit viewing therethrough by a user and a second position covering the magnifier for the purpose of providing protection for the magnifier lens when the device is in a compact stored position.

*Allowable Subject Matter*

Claims 1 and 3-16 are allowed.

The following is an examiner's statement of reasons for allowable subject matter: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 1, none of the prior art alone or in combination disclose or teach of a magnifier device in combination with a portable video display device including a main housing and a flip up display member wherein the magnifier includes a base member and is rotatable relative to the base member and is connected to the base member by spaced apart linking arms, specifically wherein the magnifier is moved from a first stored position where the magnifier is located adjacent and flush against a back surface of the base member to a second open position raised above the base member at a spatial location opposite the back surface of the base member.

Specifically regarding independent claim 5, none of the prior art alone or in combination disclose or teach of a magnifier device in combination with a portable video display device including a main housing and a flip up display member wherein the magnifier includes a base

member and is rotatable relative to the base member and is connected to the base member, specifically wherein the base member is directly connected to the flip up display member.

Specifically regarding independent claim 14, none of the prior art alone or in combination disclose or teach of a combination magnifier device and a portable video display device including a main housing and a flip up display member wherein the magnifier includes a base member and is rotatable relative to the base member and is connected to the base member, specifically wherein the base member is directly connected to the flip up display member.

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-20 have been considered but are moot in view of the new ground(s) of rejection as shown above.

Applicant's arguments, see Remarks, filed March 21, 2005, with respect to claims 1 and 3-16 have been fully considered and are persuasive. The rejections of claims 1 and 3-16 have been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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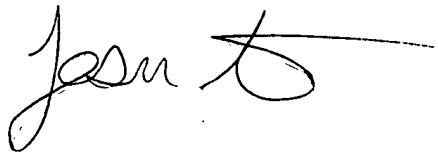
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz  
Patent Examiner  
AU 2873  
June 9, 2005



JORDAN SCHWARTZ  
PRIMARY EXAMINER